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JUNE DUFFY
ASSISTANT ATTORNEY GENERAL IN CHARGE
LITIGATION BUREAU

VIA ECF

January 23, 2012

Hon. Robert M. Levy
United States Magistrate Judge,
Eastern District of New York
Theodore Roosevelt United States Courthouse
225 Cadman Plaza East
Brooklyn, New York

Re: NAACP v. N.Y. State Bd. of Elections
E.D.N.Y. 10 Civ. 2950 (FB) (RML)

Your Honor:

We respectfully submit this letter to advise Your Honor about the status of the settlement of this action by virtue of a substantive vote taken by the Commissioners of the State Board of Elections, as recited in plaintiffs' *pro bono* counsel's letter dated December 5, 2011 (Doc. #33 in this Court's docket).

Both sides anticipated that the settlement would be memorialized by January 25, 2012, as recognized by Your Honor's docket entry of December 12, 2011.

An extension to February 10, 2012 is requested because of the circumstances of the writer of this letter. I have been one of the main attorneys in the Attorney General's Office responsible for litigation concerning voting rights and elections for over twenty-five years. Due to health issues, I have been away from the office since October, and have only now been able to resume normal duties. It would be welcome and

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helpful if Your Honor would extend consideration of this case for two weeks. Additional time is needed to finalize attorneys' fees and the parties' stipulation.

Your Honor's minute entry of December 25, 2011 called for a status report, or a stipulation of discontinuance, by January 25, 2012. We respectfully request that this letter be deemed the status report Your Honor requested.

Brennan Center counsel Lawrence Norden consents to this request.

Respectfully,

A handwritten signature in black ink, appearing to read "Joel Graber", with a large checkmark at the end.

JOEL GRABER
Special Litigation Counsel

cc: (via ECF)

Lawrence Norden, Esq.
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